

## Message Text

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ORIGIN ARA-10

INFO OCT-01 ISO-00 DOTE-00 L-03 NSC-05 AGRE-00 HEW-06  
AID-05 CEQ-01 CIAE-00 ERDA-07 COME-00 DODE-00  
EB-08 EPA-04 INR-07 IO-13 NSF-02 NSAE-00 PM-04  
OES-06 SS-15 SP-02 INT-05 FEA-01 USIE-00 SSO-00  
INRE-00 NSCE-00 /105 R

DRAFTED BY RA/USOAS:SWILSON:DSTEWART:AB  
APPROVED BY RA/USOAS:WMATTHEWS  
RA/AND:FDEVINE  
L/ARA:GCHESTER  
RA/ECP:DTAHER  
FHWA:SHEDLER  
ARA/PAN:DWAGER

-----222354Z 046009 /72-70

O 222305Z MAR 77  
FM SECSTATE WASHDC  
TO AMEMBASSY CARACAS IMMEDIATE

UNCLAS STATE 063697

E.O. 11652: NA

TAGS:PORC, CO, PN, VE, SENV, EAGR

SUBJECT:DARIEN GAP HIGHWAY PROJECT - REVISED STATEMENT  
FOR US DELEGATE, WALTER MCKENDRICK

1. EMBASSY PLEASE DELIVER URGENTLY TO WALTER MCKENDRICK,  
US REPRESENTATIVE TO EXECUTIVE COMMITTEE PAN AMERICAN  
HIGHWAY CONGRESS MEETING.
2. THERE FOLLOWS REVISED TEXT OF STATEMENT CLEARED FOR  
USE AT MEETING. PRINCIPAL CHANGES ARE TO REFLECT MORE  
FAITHFULLY STATUS OF COURT CASE AND TO AVOID GIVING ANY  
IMPRESSION THAT LIFTING OF INJUNCTION WILL QUICKLY LEAD TO  
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RESUMED US GOVERNMENT CONSTRUCTION WHETHER OR NOT FMD  
PROBLEM SETTLED TO SATISFACTION OF USG AUTHORITIES  
CONCERNED.

3. TEXT OF STATEMENT:  
MR. CHAIRMAN, DELEGATES TO THIS XVII MEETING OF THE  
PERMANENT EXECUTIVE COMMITTEE, LADIES AND GENTLEMEN. IT  
IS A GREAT HONOR FOR ME TO HAVE AN OPPORTUNITY TODAY TO  
ADDRESS THIS DISTINGUISHED ASSEMBLY OF REPRESENTATIVES  
FROM NATIONS OF NORTH, SOUTH, AND CENTRAL AMERICA.

4. I BRING WITH ME THE CORDIAL GREETINGS OF PRESIDENT CARTER AND THE SECRETARY OF TRANSPORTATION BROCK ADAMS, ALONG WITH THEIR SINCERE WISHES THAT THIS MEETING BE A MOST SUCCESSFUL AND PRODUCTIVE ONE.

5. ONE OF THE REALISTIC DREAMS AND GOALS OF THE PLANNERS OF THE COUNTRIES OF THIS HEMISPHERE HAS BEEN TO DEVELOP A SYSTEM OF LAND TRANSPORTATION THAT WOULD PROVIDE EASY ACCESS TO ALL COUNTRIES AND CONNECT MAJOR URBAN CENTERS. HIS IS, INDEED, AN AMBITIOUS GOAL, BUT THE BENEFITS TO BE DERIVED IN THE FORMS OF MOVEMENT OF GOODS AND PEOPLE, IMPROVEMENT IN THE ECONOMY AND WELL BEING OF THE PEOPLE OF THE HEMISPHERE, AND SOCIOLOGICAL AND CULTURAL ADVANTAGES ARE GREAT. THE ULTIMATE BENEFITS MAY EVEN BE GREATER THAN WE CAN NOW FORESEE.

6. AS YOU ARE AWARE, ONE OF THE MAJOR MISSING LINKS IN THIS INTER-CONTINENTAL SYSTEM IS THE DARIEN GAP HIGHWAY. THE USG IS COMMITTED TO THE CONSTRUCTION OF THE HIGHWAY. HOWEVER, THERE ARE A NUMBER OF VERY REAL CONCERNS OVER THE IMPACT OF THE HIGHWAY ON THE ENVIRONMENT, ESPECIALLY THE THREAT OF FOOT AND MOUTH DISEASE (FMD) TO THE LIVE-STOCK INDUSTRIES OF CENTRAL AND NORTH AMERICA. TO COUNTER THIS THREAT, THE USG HAS BEEN ENGAGED IN A COOPERATIVE EFFORT WITH THE GOVERNMENT OF COLOMBIA TO UNCLASSIFIED

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DEVELOP AN EFFECTIVE FMD PROGRAM, SIMILAR TO THAT ALREADY IN PLACE IN PANAMA, TO PERMIT HIGHWAY CONSTRUCTION TO PROCEED. UNTIL THE PROGRAM IS IN SATISFACTORY OPERATION, IT WOULD BE UNWISE TO COMPLETE THE HIGHWAY THROUGH THE DARIEN GAP.

7. ON OCTOBER 17, 1975, THE US DISTRICT COURT OF WASHINGTON, D.C. ISSUED AN INJUNCTION AND AN ORDER TO THE FEDERAL HIGHWAY ADMINISTRATION WHICH IN EFFECT PREVENTED THE EXPENDING OF US FUNDS IN FURTHERANCE OF CONSTRUCTION OF THE DARIEN GAP HIGHWAY UNTIL THE FEDERAL HIGHWAY ADMINISTRATION HAD COMPLETED WITH CERTAIN REQUIREMENTS UNDER US LAW DEALING WITH THE EVALUATION OF THE POSSIBLE IMPACT OF THE ROAD ON THE ENVIRONMENT. THE FEDERAL HIGHWAY ADMINISTRATION PETITIONED THE COURT AND REQUESTED CLARIFICATION AND MODIFICATION OF THE ORDER TO PERMIT CERTIAN CRITICAL CONSTRUCTION WORK ALREADY UNDERWAY TO PROCEED IN PANAMA.

8. ON DECEMBER 23, 1975, THE COURT MODIFIED THE INJUNCTION TO PERMIT THE FEDERAL HIGHWAY ADMINISTRATION TO PARTICIPATE IN CONTRACT CONSTRUCTION THAT WAS UNDERWAY IN PANAMA PRIOR TO THE ISSUANCE OF THE ORIGINAL INJUNCTION. HOWEVER, NO OTHER ACTIVITY IN PANAMA OR COLOMBIA

COULD BE UNDERTAKEN USING US FUNDS UNTIL THE PROVISIONS OF THE COURT ORDER WERE SATISFIED. IN AN EFFORT TO COMPLY WITH THE COURT ORDER, A FINAL ENVIRONMENTAL IMPACT STATEMENT (EIS) WAS PREPARED AND DISTRIBUTED BY THE FEDERAL HIGHWAY ADMINISTRATION. THE FEDERAL HIGHWAY ADMINISTRATION NOTIFIED THE COURT ON JULY 15, 1976 THAT IT HAD COMPLIED WITH THE COURT ORDER AND CONSIDERED THE INJUNCTION LIFTED.

9. ON JULY 12, 1976, THE SIERRA CLUB AND THE OTHER PLAINTIFFS IN THE SUIT FILED A MEMORANDUM WITH THE UNCLASSIFIED

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COURT IN OPPOSITION TO THE DEFENDANTS NOTICE OF COMPLIANCE AND ASKED THAT THE INJUNCTION BE CONTINUED. SUBSEQUENTLY, ATTORNEYS FOR THE FHWA OPPOSED THE EFFORT OF THE PLAINTIFFS TO HAVE THE PRELIMINARY INJUNCTION EXTENDED. THE COURT GRANTED THE PLAINTIFFS MOTION ON SEPTEMBER 23, 1976, AND CONTINUED THE INJUNCTION IN EFFECT, AS IT HAD BEEN MODIFIED ON DECEMBER 23, 1975. THE COURT FOUND THE EIS DEFICIENT IN THREE MATTERS: DISCUSSION OF THE FOOT AND MOUTH DISEASE PROBLEM, DISCUSSION OF THE IMPACT OF THE HIGHWAY ON LOCAL INDIANS

AND DISCUSSION OF THE ENVIRONMENTAL EFFECTS OF ALTERNATE ROUTES. THE EIS WOULD HAVE TO BE SUPPLEMENTED IN THESE AREAS BEFORE THE INJUNCTION COULD BE REMOVED.

10. AS THE FEDERAL HIGHWAY ADMINISTRATION BELIEVES THAT ITS ENVIRONMENTAL IMPACT STATEMENT DOES COMPLY WITH THE REQUIREMENTS OF THE US LAW AND WITH THE COURT ORDER OF OCTOBER 17, 1975, AT APPEALED THE ORDER OF THE DISTRICT COURT IN THE UNITED STATES COURT OF APPEALS, ON NOVEMBER 19, 1976. THE FEDERAL GOVERNMENT'S BRIEF WAS FILED WITH THE COURT ON FEBRUARY 25, 1977. PLAINTIFFS HAVE 30 DAYS FROM THE TIME THE GOVERNMENT FILES ITS

BRIEF TO RESPOND. THE GOVERNMENT, IN TURN, HAS 14 DAYS FROM THE DATE THE PLAINTIFFS FILE THEIR BRIEF TO FILE A REPLY.

11. THE U.S. JUSTICE DEPARTMENT ANTICIPATES THAT THE COURT'S DECISION WILL BE RELEASED PRIOR TO JULY 1977.

12. IT WOULD BE WELL FOR US TO EXAMINE THE REASONS FOR THE INJUNCTION. WE MAKE NO APOLOGIES FOR THE COURT ACTION THAT HAS CONTRIBUTED TO THE DELAY TO THE DARIEN GAP PROGRAM. WE HAVE A DEMOCRATIC GOVERNMENT WHERE INDIVIDUALS AND ORGANIZATIONS CAN CHALLENGE GOVERNMENT UNCLASSIFIED

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PROGRAMS IN COURT WHEN THEY FEEL SOME ASPECT OF THE

PROGRAM MAY BE IN VIOLATION OF US LAW. THE US GOVERNMENT CANNOT TAKE ACTION EXCEPT IN CONFORMITY WITH ITS

AWS. THE US NATIONAL ENVIRONMENTAL POLICY ACT OF 1969 PROVIDES THAT A PROPER EVALUATION OF THE ENVIRONMENTAL EFFECTS OF SPENDING US FUNDS MUST BE MADE. THIS HAS BEEN INTERPRETED BY THE COURT TO APPLY IN THIS CASE EVEN THOUGH THESE FUNDS ARE TO BE SPENT OUTSIDE THE UNITED STATES. OBVIOUSLY, A UNITED STATES COURT CANNOT PREVENT THE SOVEREIGN GOVERNMENTS OF PANAMA AND COLOMBIA FROM CONSTRUCTING THE DARIEN GAP HIGHWAY, BUT DOES HAVE THE POWER TO REQUIRE THAT US FUNDS ONLY BE USED IN THE PROJECT IN ACCORDANCE WITH THE REQUIREMENTS OF UNITED STATES LAW.

3. WE SEEK UNDERSTANDING AND PATIENCE FROM YOUR GOVERNMENTS AS WE PROCEED TO APPEAL THE US DISTRICT COURT'S INJUNCTION AND SEEK TO COUNTER THE FMD THREAT.

WE FULLY UNDERSTAND THE DESIRE OF THE 21 NATIONS OF THE PAN AMERICAN HIGHWAY CONGRESS TO EXPEDITE CLOSING THE DARIEN GAP, CONSISTENT WITH THE NEEDS AND REQUIREMENTS OF ALL CONCERNED. WE SHARE THAT DESIRE.

14. IT HAS BEEN A GREAT PRIVILEGE AND PLEASURE TO BE HERE WITH YOU TODAY. I APPRECIATE YOUR ATTENTION. END OF TEXT  
VANCE

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<< END OF DOCUMENT >>

## Message Attributes

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**Review Markings:**  
Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
22 May 2009  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009